

Presta, Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RBM HOLDINGS LLC,

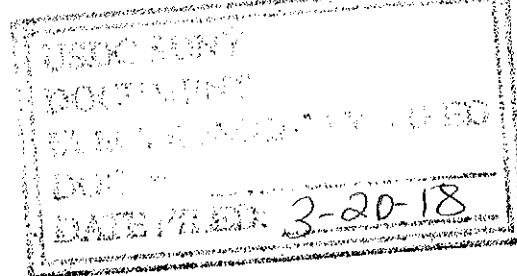
Plaintiffs,

- against -

AEGEAN MARINE PETROLEUM
NETWORK, INC., GEORGE KONOMOS,
YANNIS PAPANICOLAOU, SPYRIDON
FOKAS, and KONSTANTINOS
KOUTSOMITOPoulos,

Defendants.

18 civ 2085

**STIPULATION FOR STAY AND
SCHEDULING ORDER**

Plaintiff RBM Holdings LLC. ("Plaintiff") and defendants Aegean Marine Petroleum Networks, Inc., George Konomos, Yannis Papanicolau, and Konstantinos Koutsomitopoulos ("Defendants," and collectively with Plaintiff, the "Parties"), through their counsel, stipulate and agree to be bound by the following Stipulation and Scheduling Order:

WHEREAS, the parties have determined to enter into good faith negotiations in an effort to resolve this litigation;

WHEREAS, the parties desire to temporarily stay discovery and all other proceedings in this case pending those negotiations;

WHEREAS, in any event, the parties further agree to amend the schedule of discovery in this case, subject to Court approval;

WHEREAS, the Parties agree that the Court's temporary restraining order (the "TRO"), issued on Monday, March 12, 2018, shall remain in place for the duration of any stay in

proceedings and until such time as the Court can convene a hearing on preliminary injunction; and

WHEREAS, the parties acknowledge that the Court has the authority to enter an order amending the prior Scheduling Order, issued on March 16, 2018, as the Court deems appropriate. See LaSala v. Needham & Co., Inc., 399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy of time and effort for itself, for counsel, and for litigants.”) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254, 57 S. Ct. 163 (1936)); 13B Charles A. Wright, et al., Federal Practice & Procedure § 3533.2 (2009) (“[A] court may stay proceedings if the parties are working” toward negotiating a consensual resolution).

It is hereby ordered that:

1. This litigation is hereby stayed for a period of three weeks, until April 12, 2018 (the “Stay”). During the Stay and, if necessary, during the pendency of the discovery schedule described below, the Court’s TRO shall remain in full force and effect.

2. This Stay shall be terminable at will by either party upon 72 hours’ notice to all other parties. Such notice shall be communicated to counsel for all other parties via email and telephone call. Notice of the termination of the Stay shall be provided to the Court only after the 72-hour notice period has expired.

3. During the pendency of the Stay, Defendants agree that no changes shall be made to the composition of the board of defendant Aegean Marine Petroleum Network, Inc.

4. Notwithstanding anything to the contrary in this order, during this Stay, and subject to an appropriate agreement concerning confidentiality, Plaintiff shall be: (a) provided with access to the shared drive established by advisor to the special committee of the board,

Clarkson Platou, or (b) otherwise provided by Clarkson Platou with the diligence materials provided to Clarksons Platou, in connection with the proposed transaction with H.E.C. Europe Limited that is the subject of this litigation. Such access shall be provided no later than 3:00 pm on Thursday, March 22, 2018.

5. By mutual agreement of all Parties, this stay may be extended for one week upon prompt notice to the Court.

6. In the event the Stay terminates, the following discovery schedule shall govern discovery in this litigation:

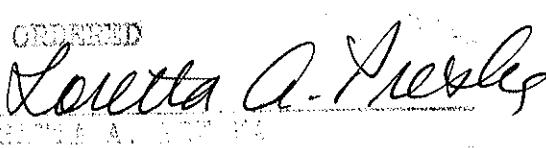
- a. Document discovery shall extend through and be completed within 28 days of the end of the Stay;
- b. Fact depositions shall be completed within 14 days after the end of document discovery;
- c. Expert reports shall be due 7 days following the completion of fact depositions;
- d. Expert depositions shall be completed within 4 days of the delivery of expert reports;
- e. Plaintiff's opening brief shall be served and filed within 10 days of the time allocated for expert depositions;
- f. Defendants' opposition brief(s) shall be served and filed within 10 days of service of Plaintiff's opening brief;
- g. Plaintiff's reply brief shall be served and filed within 5 days of service of Defendants' response brief(s);

h. A hearing on a preliminary injunction shall be heard by the Court no earlier than 7 days following filing of Plaintiff's reply brief, subject to the Court's availability.

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NO ORDERED

3/19/18


LORETTA A. PRESLEY
U.S. DISTRICT JUDGE